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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DECLARATION OF NOAH PETERS IN
SUPPORT OF DEFENDANTS' *EX PARTE*
MOTION TO VACATE MARCH 13, 2025,
EVIDENTIARY HEARING; PRECLUDE
TESTIMONY OF ACTING DIRECTOR
CHARLES EZELL; QUASH SUBPOENAS
COMMANDING TESTIMONY AT THE
EVIDENTIARY HEARING; AND FOR A
PROTECTIVE ORDER PROVIDING
IMMEDIATE RELIEF FROM MARCH 11,
2025, DEPOSITIONS**

1 I, Noah Peters, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am Senior Advisor to the Director of the U.S. Office of Personnel Management
3 (“OPM”), headquartered in Washington, D.C. I have served in this position since January 20,
4 2025.

5 2. Via a guidance memorandum issued on January 20, 2025, OPM asked agencies to
6 review which probationary employees they wished to keep and which employees they wished to
7 terminate.

8 3. On February 7, 2025, I learned that the Small Business Administration (SBA) had
9 decided to remove its probationary employees. OPM convened a small call with Chiefs of Staff
10 to learn where agencies were with respect to the process of deciding which probationary
11 employees to keep and which to separate from. OPM convened another small call on February
12 10, 2025 with Chiefs of Staff for an update as to where they stood in the process.

13 4. At these two calls on February 7 or 10, OPM asked what the agencies were
14 planning to do with respect to probationary employees, their timelines, what processes they were
15 following for determining which probationary employees they wished to keep and which to
16 terminate, and their plans regarding probationary employees who had opted into the Deferred
17 Resignation Program (DRP). At the time, the deadline for the DRP was still open. At no time
18 during these calls did OPM direct agencies to terminate probationary employees.

19 5. On February 13, 2025, OPM held another meeting with Chiefs of Staff. At this
20 call, a script was read to the Chiefs of Staff that was identical to an email that had been sent to
21 the Chiefs of Staff the day prior.

22 6. Afterwards, Chiefs of Staff shared their experiences with respect to separating
23 from probationary employees, since this process was already underway at several agencies. The
24 Chief of Staff at the Department of Agriculture (USDA) shared what she had learned as USDA
25 had already removed many probationary employees, as did a staffer at Interior.

26 7. OPM Acting Administrator Charles Ezell was not on this February 13, 2025 call.

27 8. On February 14, 2025, OPM conducted another call with Chief Human Capital
28 Officers (CHCOs) to further discuss OPM’s guidance regarding probationary employees, along

1 with multiple other topics. Mr. Ezell was only present for the start of this call and therefore has
2 limited direct knowledge of the remainder of that call.

3 9. At no point on these calls did OPM direct or require any agencies to terminate
4 probationary employees. At all times, the tone was friendly, cordial, and cooperative.

5 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
6 and correct.

7 Dated: March 10, 2025

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9
10 /s/ Noah Peters
11 NOAH PETERS
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